

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

JAMIE MONTIEL, § C.A. NO. _____
§
VS. § JURY
§
AMK EXPRESS, INC., AND ALIM §
KUCHIEV §

**DEFENDANTS' AMK EXPRESS, INC., AND ALIM KUCHIEV
NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1441, Defendant AMK Express, Inc. ("AMK"), and Alim Kuchiev ("Kuchiev"), (collectively "the AMK Defendants"), files its Notice of Removal because this Court has diversity jurisdiction pursuant to 28 U.S.C. § 1332.

I. Procedural Background.

1. Plaintiff Jamie Montiel ("Montiel") filed the lawsuit numbered CV-0073982 and styled *Jamie Montiel v. AMK Express, Inc., and Alim Kuchiev* in the County Court at Law No. One (1) of Galveston County, Texas (the "State Court Proceeding").

2. The AMK Defendants file this Notice of Removal pursuant to 28 U.S.C. § 1446 to remove the State Court Proceeding from the County Court at Law No. One (1) of Galveston County, Texas to the United States District Court for the Southern District of Texas, Galveston Division.

3. Montiel initiated the State Court Proceeding by filing his Original Petition and Request for Written Discovery on April 6, 2015, complaining of the AMK Defendants.

4. Pursuant to 28 U.S.C. § 1446(b), the AMK Defendants believe this Notice of Removal is timely filed within thirty days of receiving service of the summons and a copy of the initial pleading setting forth Montiel's claim for relief.

5. This is a negligence case arising from a motor vehicle accident. Montiel claims he suffered severe and debilitating injuries as a result of the AMK Defendants' negligence. Kuchiev was driving for AMK on the date of the alleged incident. Montiel contends Kuchiev, struck Montiel at a high rate of speed after running a red light. The AMK Defendants' deny any liability to Montiel.

II. Complete Diversity Exists between Cooper and Zurich.

6. Montiel is a resident of Texas. AMK is a corporate entity organized under the laws of the State of Illinois. AMK's principal place of business is located in the State of Illinois. Consequently, AMK is considered a citizen of Illinois for diversity purposes. 28 U.S.C. § 1332(c)(1). Kuchiev is a resident of the State of Illinois. Thus, complete diversity exists between Montiel and the AMK Defendants.

7. Removal is proper because there is and was complete diversity of citizenship between Montiel and the AMK Defendants both when Montiel filed the State Court Proceeding and when the AMK Defendants filed this Notice of Removal.

III. The Amount in Controversy Exceeds \$75,000.

8. It is facially apparent that an amount in excess of \$75,000 (exclusive of interest and costs) is in dispute. In Section I.1 of his Original Petition, Montiel pleads that he seeks "damages in excess of \$200,000 but less than \$1,000,000." Thus, the "amount in

controversy" component of diversity jurisdiction has been satisfied. 28 U.S.C. § 1332(a); 28 U.S.C. § 1446(c)(2).

IV. Venue.

9. Venue is proper in the Galveston Division of the Southern District of Texas under 28 U.S.C. § 1441(a) because this district and division embrace the place in which the State Court Proceeding was pending before removal.

V. Matters Filed.

10. In accordance with 28 U.S.C. § 1441(a), copies of all process, pleadings, and orders served upon the AMK Defendants in the State Court Proceeding are attached to this Notice of Removal. *See* Index of Matters Filed.

11. Pursuant to 28 U.S.C. § 1446(d), the AMK Defendants will promptly give written notice of the filing of this Notice of Removal to all parties and to the clerk of the County Court at Law No. One (1) of Galveston County, Texas.

VI. Prayer.

The AMK Defendants respectfully request that the State Court Proceeding be removed and placed on the Court's docket for further proceedings. The AMK Defendants request any additional relief to which it may be justly entitled.

Respectfully submitted,

**MCCORMICK, LANZA & MCNEEL,
L.L.P.**

Nicholas J. Lanza
with penance

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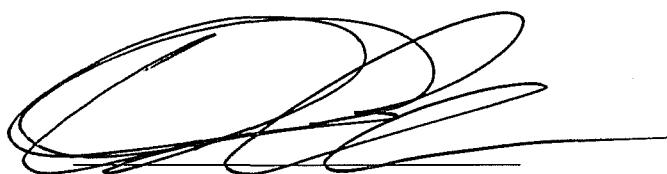
ATTORNEYS FOR DEFENDANTS
AMK EXPRESS, INC., and ALIM
KUCHIEV

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this document was sent as described below on July 06, 2015:

Mr. M. Paul Skrabaneck
Mr. Michael E. Pierce
3701 Kirby Drive, Suite 760
Houston, Texas 77098

Via Facsimile No. 832-616-5576;
Via CMRRR



**NICHOLAS J. LANZA/
STEWART K. SCHMELLA**